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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
MILLER, BRANDON J	

ART UNIT	PAPER NUMBER
2683	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/826,707	Applicant(s) KOCHEISEN, ROLF	
	Examiner Brandon J Miller	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-22 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Rousseau.

Regarding claim 19 Rousseau teaches a wireless telephone member comprising, wireless means for communicating with a cordless telephone station within a short distance range (see col. 4, lines 22-28 and FIG. 1). Rousseau teaches communicating with a station in a cell of a cellular telephone system over a longer distance outside of the short distance range (see col. 3, lines 60-67 and col. 4, lines 1-4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9, 11-12, 14-15 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rousseau in view of Wenk.

Regarding claim 1 Rousseau teaches a wireless telephone system comprising a mobile wireless telephone member (see col. 2, lines 10-14). Rousseau teaches a short range radio frequency communication means for transmitting and receiving data over short range (see col. 4,

lines 22-28 and FIG. 1). Rousseau teaches long range radio frequency communication means for transmitting and receiving data over long range (see col. 3, lines 60-67, col. 4, lines 1-4 and FIG. 1). Rousseau teaches stationary communication means for receiving and transmitting data from a mobile wireless member over short range (see col. 4, lines 22-28). Rousseau teaches stationary communication means for receiving and transmitting data from a mobile wireless member over long range (see col. 3, lines 60-67 and col. 4, lines 1-4). Rousseau does not specifically teach transmitting and receiving voice data. Wenk teaches transmitting and receiving voice data (see col. 6, lines 1-4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to specifically include transmitting and receiving voice data because this would allow for improved integration between wireless and landline telephone service.

Regarding claim 2 Wenk also teaches determining whether a mobile wireless telephone member is outside short range (see col. 5, lines 8-10).

Regarding claim 3 Rousseau teaches communicating with a mobile wireless telephone member through a stationary short range radio frequency means whenever a member is determined not to be outside of a short range (see col. 4, lines 20-27 and col. 5, lines 34-38).

Regarding claim 4 Rousseau teaches communicating with a mobile wireless telephone member through a stationary long range radio frequency means whenever a member is outside of a short range (see col. col. 3, lines 60-67, col. 4, lines 1-4 and FIG. 1).

Regarding claim 5 Rousseau teaches a wireless telephone system comprising a mobile wireless telephone member (see col. 2, lines 10-14). Rousseau teaches a short range radio frequency communication means for transmitting and receiving data over short range (see col. 4,

lines 22-28 and FIG. 1). Rousseau teaches long range radio frequency communication means for transmitting and receiving data over long range (see col. 3, lines 60-67, col. 4, lines 1-4 and FIG. 1). Rousseau teaches a cordless base member, wired into a wired telephone network, for receiving and transmitting from and to a mobile wireless member data over short range (see col. 4, lines 9-13 & 22-26). Rousseau teaches stationary communication means for respectively receiving and transmitting to and from a mobile wireless member data over long range (see col. 3, lines 60-67 and col. 4, lines 1-4). Rousseau does not specifically teach transmitting and receiving voice data. Wenk teaches transmitting and receiving voice data (see col. 6, lines 1-4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to specifically include transmitting and receiving voice data because this would allow for improved integration between wireless and landline telephone service.

Regarding claim 6 Wenk teaches a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 7 Rousseau teaches communicating with a mobile wireless telephone member through a cordless base member whenever a member is determined not to be outside of short range (see col. 2, lines 8-10 and col. 4, lines 9-12).

Regarding claim 8 Rousseau teaches stationary communication means for respectively receiving a transmitting to and from a mobile wireless member data over a long range (see col. 4, lines 1-4). Rousseau includes a wireless telephone area base station wired into a wired telephone network (see col. 4, lines 10-13). Wenk teaches transmitting and receiving voice data (see col. 6, lines 1-4).

Regarding claim 9 Rousseau teaches communicating with a mobile wireless telephone member through a wireless telephone area base station whenever a member is outside of short range (see col. col. 3, lines 60-67, col. 4, lines 1-4 and FIG. 1).

Regarding claim 11 Rousseau teaches a cellular phone system, and a telephone base station area that is in an area cell within a cellular system (see col. 3, lines 62-67).

Regarding claim 12 Rousseau teaches a mobile wireless member enabling a telephone user to switch between a short range and long range communication means whenever a member is not outside of a short range (see col. 4, lines 50-55).

Regarding claim 14 Rousseau teaches a wireless telephone system comprising a mobile wireless telephone member (see col. 2, lines 10-14). Rousseau teaches a short range radio frequency communication means for transmitting and receiving data over short range (see col. 4, lines 22-28 and FIG. 1). Rousseau teaches long range radio frequency communication means for transmitting and receiving data over long range (see col. 3, lines 60-67, col. 4, lines 1-4 and FIG. 1). Rousseau teaches stationary communication means for receiving and transmitting data from a mobile wireless member over short range (see col. 4, lines 22-28). Rousseau teaches stationary communication means for receiving and transmitting data from a mobile wireless member over long range (see col. 3, lines 60-67 and col. 4, lines 1-4). Rousseau teaches a method for determining whether communication will be short range or long range comprising, communicating with a mobile wireless member through a short range radio frequency communication whenever a member is determined not to be outside of short range (see col. 2, lines 3-10 and col. 5, lines 33-38). Rousseau does not specifically teach transmitting and receiving voice data or determining whether a mobile wireless telephone member is outside a

short range when a member is receiving or transmitting data. Wenk teaches transmitting and receiving voice data (see col. 6, lines 1-4). Wenk also teaches determining whether a mobile wireless telephone member is outside a short range (see col. 5, lines 8-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to specifically include transmitting and receiving voice data or determining whether a mobile wireless telephone member is outside a short range when a member is receiving or transmitting data because this would allow for improved integration between wireless and landline telephone service.

Regarding claim 15 Rousseau teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 20 Rousseau teaches a cordless telephone station that includes a cordless telephone base (see col. 4, lines 9-11 and FIG. 1).

Regarding claim 21 Rousseau teaches a cordless telephone station that is wired into a wired telephone network (see col. 4, lines 9-13).

Regarding claim 22 Rousseau teaches a station in a cell of a cellular system is wired into a wired telephone network (see col. 4, lines 5-8 and FIG. 1).

Claims 10 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rousseau in view of Wenk and Gillig.

Regarding claim 10 Rousseau teaches a device as recited in claim 9 except for means responsive to the initiation of a telephone call for first determining whether a radio frequency communication from a cordless base member can reach a mobile member, and means responsive to a determination that a communication from a base member cannot reach, the mobile member

automatically switching to radio frequency communication with a mobile member through a wireless telephone area base station. Gillig teaches responsive to the initiation of a telephone call determining whether a radio frequency communication from a cordless base member can reach a mobile member, and means responsive to a determination that a communication from a base member cannot reach, the mobile member automatically switching to radio frequency communication with a mobile member through a wireless telephone area base station (see col. 5, lines 52-54, col. 6, lines 1-6 and FIG. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include means responsive to the initiation of a telephone call for first determining whether a radio frequency communication from a cordless base member can reach a mobile member, and means responsive to a determination that a communication from a base member cannot reach, the mobile member automatically switching to radio frequency communication with a mobile member through a wireless telephone area base station because this would allow for wireless mobile unit that automatically operates as a cellular phone whenever it is out of range of a corresponding cordless base station.

Regarding claim 16 Rousseau teaches a device as recited in claim 15 except for means responsive to the initiation of a telephone call for first determining whether a radio frequency communication from a stationary communication means for receiving and transmitting voice data form and to a mobile wireless member voice data over a short range can reach a mobile member, and means responsive to a determination a stationary communication means cannot reach, the mobile member automatically switching to radio frequency communication with a mobile member through a stationary means for long range communication. Wenk does teach

transmitting and receiving voice data (see col. 6, lines 1-4). Gillig teaches responsive to the initiation of a telephone call determining whether a radio frequency communication from a cordless base member can reach a mobile member, and means responsive to a determination that a communication from a base member cannot reach, the mobile member automatically switching to radio frequency communication with a mobile member through a wireless telephone area base station (see col. 5, lines 52-54, col. 6, lines 1-6 and FIG. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include means responsive to the initiation of a telephone call for first determining whether a radio frequency communication from a stationary communication means for receiving and transmitting voice data form and to a mobile wireless member voice data over a short range can reach a mobile member, and means responsive to a determination a stationary communication means cannot reach, the mobile member automatically switching to radio frequency communication with a mobile member through a stationary means for long range communication because this would allow for wireless mobile unit that automatically operates as a cellular phone whenever it is out of range of a corresponding cordless base station.

Regarding claim 17 Rousseau teaches a device as recited in claim 12 and is rejected given the same reasoning as above.

Claims 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rousseau in view of Wenk and Lewis.

Regarding claim 13 Rousseau teaches a device as recited in claim 12 except for tracking a respective time of telephone communications through a short range and long range means. Rousseau does teach communicating through a short range and long range means (see col. 2,

lines 3-9). Lewis teaches tracking respective times of telephone communications (see col. 9, lines 40-41 & 62-63). It would have been obvious to one of ordinary skill in the art to make the device adapt to include tracking a respective time of telephone communications through a short range and long range means because this would allow for an efficient method of monitoring the duration and timing of cellular calls and cordless calls.

Regarding claim 18 Rousseau teaches a device as recited in claim 17 except for tracking the respective times of telephone communications through a short range and long range, whereby telephone usage may be billed at different ways. Rousseau does teach communicating through a short range and long range means (see col. 2, lines 3-9). Rousseau does teach telephone usage that may be billed at different ways (see col. 5, lines 26-28). Lewis teaches tracking respective times of telephone communications (see col. 9, lines 40-41 & 62-63). It would have been obvious to one of ordinary skill in the art to make the device adapt to include for tracking the respective times of telephone communications through a short range and long range, whereby telephone usage may be billed at different ways because this would allow for an efficient method of monitoring the duration and timing of cellular calls and cordless calls.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schellinger U.S. Patent 5,842,122 discloses an apparatus and method for alternative radio telephone system selection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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November 13, 2003

WILLIAM TROST
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